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# U.S. weighs prosecution of editors in Welch case

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At the request of the CIA the Justice Department is investigating the possibility of prosecuting the editors of the quarterly Counterspy. The magazine has been accused of helping to bring about the assassination of Richard S. Welch, CIA officer in Athens, by publishing his name in a list of 121 CIA officers around the world.

The Justice Department has referred the matter first to its criminal division after which it will go to the civil-rights division to determine whether Mr. Welch's rights, including his right to privacy, were violated.

Replying to the threat of publication, Tim Butz, one of four editors of Counterspy, declared: "If the CIA gets us prosecuted we'll turn the courtroom into a prosecution of the CIA."

Mr. Butz and his co-editors are working in the shadow of an anonymous bomb threat and a telephone voice that said last week, "One of you will be killed Friday [Jan. 2] at 2 o'clock." A Houston TV station got a note from a presumably ultraright-wing organization called "Veterans Against Communist Conspiracy" saying it had condemned Counterspy editors to death along with legislators who exposed CIA: Sen. John G. Tower, Republican of Texas; Frank Church, Democrat of Idaho; and Rep. Otis G. Pike, Democrat of New York.

## Register listings noted

State Department and CIA officials privately admit that it is very easy to identify CIA officers who serve in embassies abroad because in State Department registers they are always listed as FSR, meaning Foreign Service Reserve, never as FSO, meaning foreign-service officer.

All FSR are not CIA employees, but with that clue one can examine the biographical register and seek out those who show periods of assignment to the armed services, or mysterious lapses of time with nothing listed.

Implying some restraint, Mr. Butz observed that Counterspy exposed only those CIA officials who had in effect already been exposed. "We have never in seven issues thus far

exposed a CIA official who was under deep cover," he declared.

Acknowledging that any government has the right to an intelligence service, Mr. Butz made the distinction in the case of CIA between intelligence gathering and operations. He and his colleagues are fighting the CIA because of the operations that penetrated "every nook and cranny" of foreign countries, compiled lists of thousands of Americans in the anti-Vietnam war movement and hundreds of thousands of others, and directed assassinations.

"They placed themselves outside the law and tore the Bill of Rights to shreds," says Mr. Butz.

Mr. Butz is a highly articulate "graduate" of the anti-Vietnam war movement. For him and for many others whom he sees as a "community" of those fighting the CIA, the fight is to some degree a replacement for the anti-war struggle.

A visitor to Counterspy offices discovered the magazine had recently changed address, and that it is now subtenants of Intelligence Documentation Center, but not mentioned in the building register or on the door.

In response to the doorbell, a voice within demanded to know who was there. After due explanations, the door was unlocked. Within, the atmosphere was unsmiling, tense. The visitor was under sharp scrutiny.

"We have not broken any laws. We have done nothing illegal," asserted Tim Butz who sat in a corner office with Margaret Van Houten, a co-editor. Other co-editors are Winslow Peck and Douglas Porter.

"We feel that we rendered a great service by publishing this list of station chiefs, most of whose names had already appeared in foreign newspapers. We feel that the public has the right to know what is already known in foreign countries, and to know what government agencies and employees of those agencies do in the name of foreign policy."